

District I

WILLARD GUTTERY

801 West Florida
Holbrook, AZ 86025
Phone 524-6572

District II

JOHNNY L. BUTLER

123 East Mahoney
Winslow, AZ 86047
Phone 289-2444

District III

PETE SHUMWAY

P.O. Box 161
Taylor, AZ 85939
Phone 536-7633

BOARD OF SUPERVISORS

Navajo County
Governmental Center
Holbrook, AZ 86025
Phone (602) 524-6161

JAMES M. HOLST
County Manager

SHARON R. KEENE
Clerk of the Board

RESOLUTION NO. 43-82

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Arizona has in A.R.S. 45-2341 through 45-2345 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Navajo County, Arizona, does ordain as follows:

1.2 FINDINGS OF FACT

(1) The flood hazard areas of Navajo County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effects of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or

otherwise protected from flood damage also contribute to the flood loss

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and,
- (8) To insure that potential buyers are notified that property is in an area of special flood hazard.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purpose, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accomodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, A0, AH, A1-30, and V1-30 on the FIRM.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, during the base flood, without damage to the structural integrity of the building on which they are used or any structures to which they might be carried by flood waters.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including

the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of flood waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary Floodway Map" means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodplain Administrator" means the County Engineer of Navajo County who is hereby authorized by the Floodplain Board to administer the provisions of this ordinance.

"Floodplain Board" means the Board of Supervisors of Navajo County at such times as they are engaged in the enforcement of this ordinance.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage is not a "habitable floor".

"Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 C.F.R. 3282.7 (a)).

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcel) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities or servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

"Person" means any individual or his agent, firm partnership, association, corporation, or agent of the aforementioned groups.

"Start of construction" means the date on which a valid Navajo County Building Permit is issued for permanent construction of a structure. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include installation of streets and/or walkways; nor does it include excavation of basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or

sheds not occupied as a dwelling unit or as part of the main structure, regardless of the requirement for a building permit. For mobile homes, "start of construction" means the date on which a valid Navajo County Mobile Home Placement Permit is issued.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of a wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Navajo County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Navajo County, Arizona, Unincorporated Areas," dated December 1, 1981, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the County Engineer, Navajo County Government Center. The Flood Insurance Study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator.

3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all

provisions shall be:

- (1) Considered as minimum requirements;
- (2) Deemed neither to limit nor repeal any other powers granted under state statutes

3.6 WARNING AND DISCLAIMER OF LIABILITY

Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Navajo County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.7 STATUTORY EXEMPTIONS

1. In accordance with A.R.S. Section 45-2342, nothing in this shall:

- A) Affect existing uses of property or the right to continuation of the use under conditions which existed on the effective date of this ordinance.
- B) Affect repair or alteration of property for the purposes for which such property was used on the effective date of this ordinance; providing such repair or alteration does not exceed fifty percent (50%) of the value of the property prior to the repair or alteration; and provided the repair or alteration does not decrease the carrying capacity of the watercourse.
- C) Affect or apply to facilities constructed or installed

pursuant to a certificate of environmental compatibility issued under the authority of Title 40, chapter 2, article 6.2.

2. In accordance with A.R.S. Section 45-2343, written authorization shall not be required, nor shall the Floodplain Board prohibit:

A) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting a watercourse.

B) The construction of storage dams for watering livestock or wildlife, structured on banks of a creek, stream, river, wash, arroyo, or other dams for the conservation of flood waters as permitted by Title 45, chapter 3.

C) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse.

D) Any flood control district, or other political subdivision, from exercising powers granted to it under A.R.S. Title 45, chapter 10.

3.8 ABATEMENT OF VIOLATIONS

When a violation of this ordinance is discovered, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. After receipt of this report, the Floodplain Board shall either:

(1) Take any necessary action to effect the abatement of such violation; or

(2) Issue a variance to this ordinance in accordance with the provisions of Section 6.0 herein, or

(3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator and he shall submit an amended report to the Floodplain Board. During a regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 herein.

3.9 UNLAWFUL ACTS

1. It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board.

2. Any person violating the provisions of this section shall be guilty of a class 2 misdemeanor.

3.10 SEVERABILITY

This ordinance and the various parts thereof are hereby declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF A FLOODPLAIN USE PERMIT

A Floodplain Use Permit shall be obtained before construction or

development begins within any area of special flood hazard established in Section 3.2. The permit applicant is responsible to provide the Floodplain Administrator with all information which he requests and deems necessary for an evaluation and determination of applicants compliance to be made.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include:

4.2-1. Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all permits to determine that the site is reasonably safe from flooding.
- (3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.

4.2-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 5.0. Any such information shall be submitted to the Floodplain Board for adoption.

4.2-3 Information to be Obtained and Maintained

Obtain and maintain for public inspection and make available as

needed for Flood Insurance Policies:

- (1) the elevation required in Section 5.1-3(1);
- (2) the floodproofing certification required in Section 5.1-3(3);
- (3) the certified elevation required in Section 5.3-2.

4.2-4 Alteration of Watercourses

(1) Notify adjacent communities and the Arizona Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

4.2-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as required in Section 3.9 herein.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 STANDARDS OF CONSTRUCTION

In all areas of special flood hazards the following standards are required:

5.1-1 Anchoring

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of

the structure.

(2) All mobile homes shall meet the anchoring standards of Section 5.4-1.

5.1-2 Construction Materials and Methods

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Elevation and Floodproofing

(1) New construction and substantial improvement of any structures shall have the lowest habitable floor, including basement, elevated to 12 inches above the base flood elevation. Nonresidential structures may meet the standards in Section 5.1-3(3). Upon the completion of the structure the elevation of the lowest habitable floor including basement shall be provided to the Floodplain Administrator.

(2) New construction and substantial improvement of any structure in Zone A0 shall have the lowest floor, including basement, elevated to 12 inches above the depth number specified on the FIRM. If there is no depth number on the FIRM, the lowest floor, including basement, shall be elevated one (1) foot above the crown of the nearest street. Nonresidential structures may meet the standards in Section 5.1-3(3). Upon completion of the structure, the elevation of the structure meeting this standard shall be provided to the Floodplain Administrator.

(3) Non residential construction shall either be elevated in conformance with Section 5.1-3 (1) or (2) or together with attendant utility and sanitary facilities;

(a) be floodproofed so that below the base level the structure is watertight with walls substantially impermeable to the passage of water;

(b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) be certified by a registered professional engineer or architect that the standards of floodproofing are satisfied.

Such certifications shall be provided to the Floodplain Administrator.

(4) Mobile homes shall meet the above standards and also the standards in Section 5.4.

5.2 STANDARDS FOR UTILITIES

5.2-1 All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

5.2-2 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 STANDARDS FOR SUBDIVISIONS

5.3-1 All preliminary subdivision proposals shall identify the flood hazard areas and the elevation of the base flood.

5.3-2 All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

5.3-3 All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

5.3-4 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5.4 STANDARDS FOR MOBILE HOMES AND MOBILE HOME PARKS AND SUBDIVISIONS

5.4-1 Anchoring

All mobile homes and additions to mobile homes shall be anchored to resist flotation, collapse, or lateral movement by one of the following methods:

- (1) by providing an anchoring system designed to withstand horizontal forces of twenty-five (25) pounds per square foot and uplift forces of fifteen (15) pounds per square foot;
- (2) by providing over-the-top and frame ties to ground anchors.

Specifically:

- (a) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that mobile homes less than fifty (50) feet long require only one (1) additional tie per side;
- (b) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, except that mobile homes less than fifty (50) feet long require only four additional ties per side; and,

- (c) all components of the anchoring system be capable of carrying a force of 4,800 pounds.

5.4-2 Mobile Home Parks and Mobile Home Subdivisions

The following standards are required for (a) mobile homes not placed in mobile home parks or subdivisions, (b) new mobile home parks or subdivisions, (c) reconstruction, or improvements to existing mobile home parks or subdivisions that equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

- (1) Adequate surface drainage and access for a hauler shall be provided.
- (2) All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at 12 inches above the base flood level. If elevated on pilings:
 - (a) the lots shall be large enough to permit steps;
 - (b) the pilings shall be placed on stable soil no more than ten (10) feet apart, and
 - (c) reinforcement shall be provided for pilings more than six (6) feet above the ground level.

- 5.4-3 No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

5.5 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 5.5-1 Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 5.5-2 Prohibit the placement of any mobile homes except in an existing mobile home park or subdivision.
- 5.5-3 If Sections 5.5-1 and 5.5-2 are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5, PROVISIONS FOR FLOOD HAZARD REDUCTION.
- 5.5-4 If no floodway is identified, then a setback from the bank(s) of the watercourse will be determined in cooperation with the Floodplain Administrator.

SECTION 6.0

VARIANCE PROCEDURE

- 6.1 APPEAL BOARD
- 6.1-1 The Floodplain Board of Navajo County shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- 6.1-2 The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- 6.1-3 Those aggrieved by the decision of the Floodplain Board, or any taxpayer, may appeal such decision to the Superior Court of Navajo County.

6.1-4 In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) the danger of life and property due to flooding or erosion damage;
- (2) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) the importance of the services provided by the proposed facility to the community;
- (4) the necessity to the facility of a waterfront location, where applicable;
- (5) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
- (6) the compatability of the proposed use with existing and anticipated development;
- (7) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- (10) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

6.1-5 Upon completion of the factors of Section 6.1-4 and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6.1-6 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

6.2 CONDITION FOR VARIANCES

6.2-1 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

6.2-2 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6.2-3 Variances shall only be issued upon:

- (1) a showing of good and sufficient cause; and,
- (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant.

6.2-4 Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notice will also state that the land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided for by

A.R.S. Title 26, Chapter 2, Article 2. A copy of the notice shall be recorded by the Floodplain Board in the office of the Navajo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

EFFECTIVE DATE:

7.1-1: This Ordinance shall supercede all other existing Navajo County Flood Plain Management Regulations and/or ordinances, and become effective on June 22nd 1982.

Passed and adopted by the Board of Supervisors of Navajo County, Arizona this 22nd day of June 1982.

BY:

Pete Shumway
Pete Shumway - Chairman
Navajo County Board of Supervisors

ATTEST:

Sharon R. Keene
Sharon R. Keene - Clerk
Navajo County Board of Supervisors